

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CLAIRE HICKEY, AKIRA  
KIRKPATRICK, VALERI NATOLI,  
CANDACE GRAHAM, CARLY SWARTZ  
and NICHOLAS BOWES *on behalf of*  
*themselves and all others similarly situated,*

Plaintiffs,

v.

UNIVERSITY OF PITTSBURGH,  
  
Defendant.

Case No. 2:20-cv-690-WSS

ELECTRONICALLY FILED

**DEFENDANT UNIVERSITY OF PITTSBURGH'S  
MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT**

Defendant University of Pittsburgh (the "University") by and through its undersigned counsel, Reed Smith LLP, respectfully submits this Motion to Dismiss Plaintiffs' First Amended Complaint [ECF No. 13] in its entirety pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The grounds for this Motion are set forth in the University's Memorandum of Law that is filed contemporaneously herewith and incorporated by reference as if set forth fully herein. A Proposed Order is attached.

Dated: October 26, 2020

Respectfully submitted,

/s/ Jeffrey M. Weimer

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**CERTIFICATE OF GOOD FAITH MEET AND CONFER**

The undersigned counsel certifies that, in accordance with Paragraph II.B.1 of this Court's Chamber Rules, counsel for Defendant made good faith efforts to meet and confer, via telephone and email, with Plaintiffs' counsel to determine whether the pleading deficiencies identified in Defendant's Motion to Dismiss could be cured by amendment. This Motion is being filed following Plaintiffs' confirmation that they are not amending the First Amended Complaint based on the identified deficiencies.

Dated: October 26, 2020

/s/ Jeffrey M. Weimer

Jeffrey M. Weimer  
*Counsel for Defendant University of  
Pittsburgh*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 26, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel or parties of record electronically by CM/ECF.

/s/ Jeffrey M. Weimer  
Jeffrey M. Weimer

*Counsel for Defendant University of  
Pittsburgh*